

**BEFORE THE ADMINISTRATIVE HEARING COMMISSION  
STATE OF MISSOURI**

**FILED**  
JUN 26 2009  
ADMINISTRATIVE HEARING  
COMMISSION

**Director, Department of Insurance  
Financial Institutions & Professional  
Registration,**

**Petitioner,**

**vs.**

**Marcus J. Janitch,**

**Respondent.**

**Serve:**

**Marcus J. Janitch  
2751 Creekmont  
St. Louis, Missouri 63125**

**Case No.:**

**COMPLAINT**

JOHN M. HUFF, Director of the Missouri Department of Insurance, Financial Institutions, and Professional Registration, through counsel, complains and requests the Administrative Hearing Commission find that cause exists for disciplinary action against Respondent, Marcus J. Janitch, because:

**INFORMATION RELEVANT TO ALL COUNTS**

1. Petitioner is the Director ("Director") of the Missouri Department of Insurance, Financial Institutions, and Professional Registration, whose duties include, pursuant to chapter 374, RSMo, the regulation, supervision, and discipline of bail bond agents.
2. The Missouri Department of Insurance, Financial Institutions, and Professional Registration ("the Department"), originally issued a bail bond agent license to Marcus J. Janitch ("Respondent") on August 27, 2003, which was subsequently renewed and is scheduled to expire on August 27, 2009 (License Number 0315101).

3. The Commission has jurisdiction over this Complaint pursuant to § 621.045, RSMo (2000).

### **COUNT I**

4. Respondent failed to respond to multiple inquiries by the Department within twenty days. Such is a violation of 20 CSR 100-4.100(2)(A) and a ground for discipline of Respondent's bail bond agent license pursuant to § 374.755.1(6), RSMo (Supp. 2008).

5. The facts are as follows:

- a. On January 5, 2009, Special Investigator Les Hogue ("Hogue") mailed a letter to Respondent at 101 Green Forest Estates Drive, St. Peters, Missouri 63376, requesting an explanation regarding allegations of Theft/Stealing. Hogue requested a response by January 28, 2009.
- b. On January 9, 2009, the January 5, 2009 letter was returned to Hogue with the message, "Moved Left No Address." Hogue then called Respondent and obtain a new address, 2751 Creekmont Lane, St. Louis, Missouri 63125. Hogue then mailed the January 5, 2009 letter to the 2751 Creekmont Lane address.
- c. Respondent did not respond to the January 5, 2009 letter, which was mailed on January 9, 2009, within 20 days.
- d. On February 13, 2009, Hogue mailed a "Late Response" letter to Respondent at the 2751 Creekmont Lane address, again requesting an explanation regarding allegations of Theft/Stealing. Hogue requested a response by February 20, 2009.
- e. Respondent did not respond to the February 13, 2009 letter within 20 days.
- f. On February 24, 2009, Hogue sent a second "Late Response" letter to Respondent at the 2751 Creekmont Lane address, again requesting an explanation regarding allegations of Theft/Stealing. Hogue requested a response by March 2, 2009.

g. Respondent did not respond to the February 24, 2009 letter within 20 days.

## COUNT II

6. Petitioner realleges and expressly incorporates by reference the allegations in paragraphs 4 and 5.

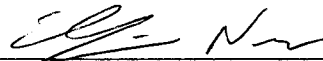
7. Respondent did not appear before the Director as ordered by a subpoena. Such is a ground for discipline of Respondent's bail bond agent license pursuant to § 374.210.2, RSMo (Supp. 2008).

8. The facts are as follows:

- a. On March 9, 2009, the Director issued a Subpoena Duces Tecum ordering Respondent to appear at the Department of Insurance, Financial Institutions, and Professional Registration offices located at the Harry S Truman State Office Building, Room 540, 301 West High Street, Jefferson City, Missouri, on April 8, 2009, at 10:30 a.m.
- b. The Subpoena Duces Tecum was sent via certified mail to Respondent at 2751 Creekmont, St. Louis, Missouri 63125. A PS Form 3811, or "Green Card," was signed and returned to the Department.
- c. On April 8, 2009, at 10:30 a.m., Respondent failed to appear for the subpoena conference.

**WHEREFORE**, based on the foregoing, Petitioner respectfully requests the Commission make findings of fact and conclusions of law stating that Petitioner has established cause to discipline Respondent's bail bond agent license pursuant to §§ 374.755.1(6) and 374.210.2, RSMo (Supp. 2008).

Respectfully submitted,



---

Elfin L. Noce  
Missouri Bar # 57682  
Enforcement Counsel  
Missouri Department of Insurance, Financial  
Institutions & Professional Registration  
301 West High Street, Room 530  
Jefferson City, Missouri 65101  
Telephone: (573) 751-2619  
Facsimile: (573) 526-5492

ATTORNEY FOR PETITIONER  
John M. Huff, Director  
Missouri Department of Insurance, Financial  
Institutions & Professional Registration